

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

GARY HORNE, #180206,)
Petitioner,)
v.) CIVIL ACTION NO. 1:06-CV-968-WKW
GWENDOLYN MOSLEY, et al.,)
Respondents.)

ORDER ON MOTION

Upon consideration of the motion to stay proceedings by the petitioner on January 12, 2007 (Court Doc. No. 17), in which the petitioner seeks a stay of this case during his presentation of "newly discovered issues to the state courts", and as the claims presented to this court have been adjudicated by the state courts, it is

ORDERED that this motion be and is hereby DENIED. The petitioner is advised that if he seeks to present additional, unexhausted claims for relief to the state courts prior to raising such claims in this court he may move for dismissal of the instant petition without prejudice. The petitioner is cautioned that any subsequent federal habeas petition will be subject to the one-year period of limitation contained in the AEDPA.

Done this 16th day of January, 2007.

/s/ Terry F. Moorer
TERRY F. MOORER
CHIEF UNITED STATES MAGISTRATE JUDGE

